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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,252	10/31/2003	Douglas J. MacNaughton	23083	9917
26975	7590	04/07/2005	EXAMINER	
MARIO D. THERIAULT 812 HWY. 101 NASONWORTH FREDERICTON, NB E3C 2B5 CANADA			MILLER, JONATHAN R	
			ART UNIT	PAPER NUMBER
			3653	

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/697,252

Applicant(s)

MACNAUGHTON, DOUGLAS J.

Examiner

Jonathan R. Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-12, 16, 17, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 6, 13-15 and 18 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20031031.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 7-12, 16, 17, 19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Dube et al. The reference discloses a frame having a vertical tall end and a vertical short end; a screen box having an upper end, a lower end, a top screen therein, and an inclination from a horizontal plane; a first pair of springs affixed to said tall end and said upper end for supporting said upper end over said tall end; a second pair of springs affixed to said short end and said lower end for supporting said lower end over said short end; an eccentric shaft affixed to said screen box and a drive means affixed to said frame and said eccentric shaft for rotating said eccentric shaft and for imparting a reciprocal movement to said screen box, and a loading pan affixed to said upper end of said screen box; said loading pan having a central region set substantially in line with said first pair of springs (Fig. 8). Examiner contends that the central region is set substantially in line with said first pair of springs

3. With regards to claim 2, the reference further discloses rigid structural members extending under said screen box and said loading pan for maintaining said loading pan in a same plane as said screen box (Fig. 8). Examiner contends that the plane can be any plane that the

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Examiner defines that contains a portion of the pan and screen box within it, and thus the limitations of the claim are met.

4. With regards to claim 7, the reference further discloses each of said first and second pairs of springs have torsion bushings therein and a pair of arms joining said torsion bushings and forming an acute angle pointing toward said lower end (Fig. 8). Examiner notes that the language does not expressly require each of the said first and second pairs of springs' acute angles to point toward the lower end.

5. With regards to claim 8, the reference further discloses each of said pair of arms comprises an upper arm angled downward from said inclination of said screen box. (Fig. 8).

6. With regards to claim 9, the reference further discloses said inclination of said screen box is between 18° and 22° and said acute angle of said pair of arms in each of said springs is between 45° and 90° (Fig. 8).

7. With regards to claim 10, the reference further discloses a frame having a vertical tall end and a vertical short end; a screen box having an upper end, a lower end, a top screen therein, and an inclination from a horizontal plane; a first pair of springs affixed to said tall end and said upper end for supporting said upper end over said tall end; a second pair of springs affixed to said short end and said lower end for supporting said lower end over said short end, and an eccentric shaft affixed to said screen box and a drive means affixed to said frame and said eccentric shaft for rotating said eccentric shaft and for imparting a reciprocal movement to said screen box, each of said first and second pairs of springs having torsion bushings therein, and a pair of arms joining said torsion bushings and forming an acute angle pointing toward said lower end (Fig. 8).

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8. With regards to claim 11, the reference further discloses said inclination of said screen box is between 18° and 22° , and said acute angle of said pair of arms in each of said springs is between 45° and 90° (Fig. 8).

9. With regards to claim 12, the reference further discloses a loading pan affixed to said upper end of said screen box, and rigid structural members extending under said screen box and said loading pan for maintaining said loading pan in a same plane as said screen box.

10. With regards to claim 16, the reference further discloses a loading pan affixed to said upper end of said screen box, said loading pan having a plated bottom surface enclosed on three sides (Fig. 8).

11. With regards to claim 17, the reference further discloses said plated bottom surface is inclined at a steeper angle than said top screen (Fig. 8).

12. With regards to claim 19, the reference further discloses a frame having a vertical tall end and a vertical short end; a screen box having an upper end, a lower end, a top screen therein, and an inclination from a horizontal plane; a first pair of springs affixed to said tall end and said upper end for supporting said upper end over said tall end; a second pair of springs affixed to said short end and said lower end for supporting said lower end over said short end; an eccentric shaft affixed to said screen box and a drive means affixed to said frame and said eccentric shaft for rotating said eccentric shaft and for imparting a reciprocal movement to said screen box, and a loading pan affixed to said upper end of said screen box; rigid structural members extending under said screen box and said loading pan for maintaining said loading pan in a same plane as said screen box. said loading pan having a central region set substantially in line with said first pair of springs, each of said first and second pairs of springs have torsion bushings therein and a

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pair of arms joining said torsion bushings and forming an acute angle pointing toward said lower end (Fig. 8).

13. With regards to claim 20, the reference further discloses said inclination of said screen box is between 18° and 22° , and said acute angle of said pair of arms in each of said springs is between 45° and 90° (Fig. 8).

14. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Hadden. The reference discloses a frame having a vertical tall end and a vertical short end; a screen box having an upper end, a lower end, a top screen therein, and an inclination from a horizontal plane; a first pair of springs (30) affixed to said tall end and said upper end for supporting said upper end over said tall end; inherently a second pair of springs (not shown) affixed to said short end and said lower end for supporting said lower end over said short end; inherently an eccentric shaft affixed to said screen box and a drive means affixed to said frame and said eccentric shaft for rotating said eccentric shaft and for imparting a reciprocal movement to said screen box (col. 1, lines 10+), and a loading pan (18) affixed to said upper end of said screen box; said loading pan having a central region set substantially in line with said first pair of springs (Fig. 2, not shown in Fig. 4).

15. With regards to claim 2, the reference further discloses rigid structural members extending under said screen box and said loading pan for maintaining said loading pan in a same plane as said screen box. (Fig. 4). Examiner contends that the plane can be any plane that the Examiner defines that contains a portion of the pan and screen box within it, and thus the limitations of the claim are met.

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16. With regards to claim 3, the reference further discloses said loading pan is wider than said screen box, and has sloped sides forming a funnel on said upper end of said screen box (Fig. 3).

17. With regards to claim 4, the reference further discloses each of said sloped sides makes an angle of between 120° and 150° with a side of said screen box (Fig. 3).

18. With regards to claim 5, the reference further discloses said loading pan also has inclined sides and a plated bottom surface (Fig. 3).

19. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson et al. The reference discloses a frame having a vertical tall end and a vertical short end; a screen box having an upper end, a lower end, a top screen therein, and an inclination from a horizontal plane; a first pair of springs affixed to said tall end and said upper end for supporting said upper end over said tall end; a second pair of springs affixed to said short end and said lower end for supporting said lower end over said short end; an eccentric shaft affixed to said screen box and a drive means affixed to said frame and said eccentric shaft for rotating said eccentric shaft and for imparting a reciprocal movement to said screen box, and a loading pan affixed to said upper end of said screen box; said loading pan having a central region set substantially in line with said first pair of springs (Fig. 2).

20. With regards to claim 2, the reference further discloses rigid structural members extending under said screen box and said loading pan for maintaining said loading pan in a same plane as said screen box. Examiner contends that the plane can be any plane that the Examiner defines that contains a portion of the pan and screen box within it, and thus the limitations of the claim are met.

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21. With regards to claim 3, the reference further discloses said loading pan is wider than said screen box, and has sloped sides forming a funnel on said upper end of said screen box (Fig. 1)
22. With regards to claim 4, the reference further discloses each of said sloped sides makes an angle of between 120° and 150° with a side of said screen box (Fig. 1)
23. With regards to claim 5, the reference further discloses said loading pan also has inclined sides and a plated bottom surface (Fig. 1).

Allowable Subject Matter

24. Claims 6, 13 – 15 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan R. Miller whose telephone number is (571) 272-6940.

The examiner can normally be reached on M-F: 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald P. Walsh can be reached on (571) 272-6944. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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